

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

PLAINTIFF

Vs.

Cause Number.: 1:12CR02 M-S

RYAN DANDRE HEARN

DEFENDANT

MOTION TO SUPPRESS EVIDENCE

Comes now the Defendant, by and through the undersigned counsel, and files with this Honorable Court this his Motion to Suppress Evidence herein. In support thereof, the Defendant would show unto this Court the following, to-wit:

1. Based upon information and belief the Defendant would assert that the government intends to introduce at trial evidence of a photographic lineup at which the Defendant was identified as a participant in the charged crime.
2. Based upon information and belief the Defendant would assert the government intends to ask certain witnesses to the charged crime to identify the Defendant in open court as one of the participants in the said crime.
3. The Defendant would respectfully assert that the photographic lineup was unconstitutionally tainted in that it suggestively, unfairly and unconstitutionally singled out the Defendant as the individual to be identified.
4. The Defendant would further assert that the unconstitutionally suggestive photographic lineup has in turn tainted any subsequent in court identification that may be made of the Defendant.

Wherefore, Premises Considered, the Defendant moves this Court to suppress any and all testimony or other evidence related to any photographic lineup. Further, the Defendant moves this

Court to suppress any in-court identification of the Defendant by any individual who may have been exposed to the unconstitutional photographic lineup.

Respectfully submitted, this the 24th day of July, 2012.

/s/ Robert W. Davis, Jr.

ROBERT W. DAVIS, JR. #10411

Attorney for Defendant

542 Jefferson Street

P. O. Box 1525

Tupelo, MS 38802

Telephone: 662-842-2222

Facsimile: 662-842-2567

CERTIFICATE OF SERVICE

The undersigned, Robert W. Davis, Jr., hereby certifies that he has this date filed in the United States District Court for the Northern District of Mississippi, via the Electronic Filing System, the above and foregoing Motion to Suppress Evidence, thus causing a copy to be electronically forwarded to the following:

Robert W. Coleman, Esquire
Assistant United States Attorney
900 Jefferson Avenue
Oxford, Mississippi 38655

THIS, the 24th day of July, 2012.

/s/ Robert W. Davis, Jr.

Robert W. Davis, Jr.

Attorney for the Defendant